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NBK INNOVATION XIII, LLC,  
DOJO VENTURES FUND II, LLC, SU FUND I,  
A SERIES OF INCISIVE VENTURES LP,  
ANTONIO SALERNO, SUSAN LEIBY, ALESSCO, INC.  
DEFINED BENEFIT PLAN, ROBERT HESS,  
AND MJ JAMIOLKOWSKI FLP

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

NBK INNOVATION XIII, LLC, DOJO VENTURES  
FUND II, LLC, SU FUND I, A SERIES OF  
INCISIVE VENTURES LP, ANTONIO SALERNO,  
SUSAN LEIBY, ALESSCO, INC. DEFINED  
BENEFIT PLAN, ROBERT HESS, AND MJ  
JAMIOLKOWSKI FLP,

Plaintiffs,

v.

SUAVEI, INC., AFONSO INFANTE, AND  
ALLISON WONG,

Defendants.

Case No.: 2:22-cv-01415-JAD-BNW

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE  
FEBRUARY 28, 2025  
SETTLEMENT CONERENCE AND  
TO CONTINUE STAY OF  
DISCOVERY**

IT IS HEREBY STIPULATED AND AGREED between Plaintiffs NBK Innovation XIII, LLC,  
DOJO Ventures Fund II, LLC, SU Fund I, a Series of Incisive Ventures LP, Antonio Salerno, Susan  
Leiby, Alessco Inc. Defined Benefit Plan, Robert Hess, and MJ Jamiolkowski FLP (collectively,  
“Plaintiffs”), and Defendant Allison Wong (“Defendant” or “Defendant Wong”), by and through their  
undersigned counsel, that:

(1) the February 28, 2025 settlement conference to be conducted by Magistrate Judge Brenda Weksler be continued for a period of at least one hundred and twenty (120) days.; and

(2) the discovery stay that is currently in effect be extended until seven (7) days after completion of the continued settlement conference.

**I. BACKGROUND.<sup>1</sup>**

On July 17, 2023, the Court entered a stipulation and order to schedule settlement conference, stay discovery, and extend discovery 90-days after the settlement conference. (ECF No. 43.) On July 17, 2023, the Court also entered an order scheduling the settlement conference for September 27, 2023. (ECF No. 44.)

On September 27, 2023, the settlement conference commenced before Magistrate Judge Brenda Weksler. (*See* Minutes of Proceedings, ECF No. 45.) The Court heard presentations from counsel and the parties and met separately with each side in caucuses. (*Id.*) No settlement occurred during this initial session of the settlement conference, and the Court continued the settlement conference to January 24, 2024. (*Id.*)

Near the conclusion of the initial settlement conference on September 27, 2023, the parties discussed staying discovery, with the lone exception of taking the deposition of Frank DeJoy, until after the second session of the settlement conference on January 24, 2024. The parties agreed to stay discovery, with the lone exception, until January 31, 2024. On October 16, 2023, Magistrate Judge Brenda Weksler entered an order staying discovery in this manner until January 31, 2024. (ECF No. 46.)

On January 22, 2024, the Court entered an order continuing the settlement conference to April 24, 2024 because defendant Afonso Infante, who has had a default judgment entered against him in this case, filed a motion to Quash Writs of Execution and Subpoenas in the Northern District of California, Case No. 23-mc-LJC (the “Northern District of California Case”). (*See* ECF 53.)

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<sup>1</sup> Allison Wong is not a party to and has no actual, personal knowledge of Plaintiffs’ judgment enforcement and discovery proceedings in California against Defendants Suavei, Inc. and Infante, but she accepts Plaintiffs’ representations set forth herein for purposes of entering this Stipulation and Order.

1 On April 16, 2024, the Court entered an order continuing the April 24, 2024 settlement  
2 conference to August 28, 2024 because, on April 4, 2024, Chief Magistrate Judge Donna M. Ryu,  
3 United States District Court, Northern District of California, issued an order requiring the authorized  
4 representative of Charles Schwab & Co. Inc. to appear to an oral examination under oath on May 7,  
5 2024 at the Ronald V. Dellums Federal Building & United States Courthouse in Oakland, California.  
6 (*See* ECF 55.) Further, Plaintiffs had requested by subpoena, in the Northern District of California  
7 Case, all documents related to TD Ameritrade and Charles Schwab accounts held on behalf of  
8 Defendants Infante and Suavei, Inc.

9 On August 27, 2024, the Court entered an order continuing the August 28, 2024 settlement  
10 conference to February 28, 2025. (ECF 59.) The Court entered this order because the United States  
11 District Court, Northern District of California, scheduled hearings on October 24 and October 31, 2024,  
12 respectively, on the following motions that will impact settlement discussions in the instant case: (1)  
13 Defendant Infante's motion to quash the Schwab subpoena, which was scheduled for hearing on  
14 October 24, 2024; (2) Defendant Infante's motion to stay the Schwab subpoena, which was scheduled  
15 for hearing on October 31, 2024; and (3) Defendant Infante's motion for reconsideration of order  
16 denying motion to quash, which was scheduled for hearing on October 31, 2024.<sup>4</sup>

17 On October 25, 2024, Plaintiffs also conducted the deposition of Frank DeJoy in the instant  
18 case. After the deposition, Plaintiff's discovered that Defendant Infante is employed by or a consultant  
19 to Palo Alto Networks, Inc. ("Palo Alto Networks"). On January 9, 2025, Plaintiffs filed an Application  
20 and Order for Appearance and Examination for Palo Alto Networks on February 5, 2025 in the Northern  
21 District of California Case. On January 13, 2025, Defendant Infante file a pro per Motion to Vacate  
22 February 5, 2025 Civil Judgment Debtor Examination. Chief Magistrate Judge Donna M. Ryu, United  
23 States District Court, Northern District of California, has scheduled a hearing for March 6, 2025 on the  
24 motion; however, that hearing was later vacated as explained below, and it has not been rescheduled.

## 25 **II. REASONS FOR CONTINUING THE SETTLEMENT CONFERENCE.**

26 The parties acknowledge that Plaintiffs' success in executing on the default judgments entered  
27 by this Court against defendant Suavei, Inc. (ECF No. 34) defendant Afonso Infante (ECF No. 39) will  
28 have a material effect on settlement negotiations in the second session of settlement conference

1 scheduled by this Court. As stated, Plaintiffs have registered said default judgments in the Northern  
2 District of California Case. After the first session of the settlement conference concluded on September  
3 27, 2023, Plaintiffs discovered certain accounts belonging to defendant Infante, served writs of  
4 execution and subpoenas in the Northern District of California Case.

5 As of August 21, 2024, there were three motions pending in the Northern District of California  
6 Case that were scheduled for hearings on October 24 and October 31, 2024, respectively. These  
7 motions, which will impact settlement discussion in the instant case, are: (1) defendant Infante's motion  
8 to quash the Schwab subpoena, which was scheduled for hearing on October 24, 2024; (2) defendant  
9 Infante's motion to stay the Schwab subpoena, which was scheduled for hearing on October 31, 2024;  
10 and (3) defendant Infante's motion for reconsideration of order denying a motion to quash, which was  
11 scheduled for hearing on October 31, 2024. Defendant Infante's motions were taken under submission  
12 by the Court and have not yet been ruled upon.

13 On October 25, 2024, Plaintiffs conducted the deposition of Frank DeJoy in the instant case.  
14 After the deposition, Plaintiffs discovered that Defendant Infante is employed by or a consultant to Palo  
15 Alto Networks, Inc. ("Palo Alto Networks"). On January 9, 2025, Plaintiffs filed an Application and  
16 Order for Appearance and Examination for Palo Alto Networks on February 5, 2025 in the Northern  
17 District of California Case. On January 13, 2025, Defendant Infante file a pro per Motion to Vacate  
18 February 5, 2025 Civil Judgment Debtor Examination. On January 24, 2025, Defendant Infante filed  
19 two additional motions relating to the Order of Examination of Palo Alto Networks, a Motion for a  
20 Protective Order to prevent or delay the Examination from going forward and a Motion for Sanctions  
21 for even seeking an Order of Examination. Chief Magistrate Judge Donna M. Ryu, United States  
22 District Court, Northern District of California, had scheduled a hearing for March 6, 2025 on those  
23 latter motions.

24 On February 11, 2025, Judge Ryu entered an Order vacating the March 6, 2025 hearing and  
25 deferring resetting the hearing the until after the resolution of the August 2024 Motions. Plaintiffs  
26 anticipate that the examination of Palo Alto Networks should provide valuable information regarding  
27 collection of the judgment against Defendant Infante, and that this will substantially affect settlement  
28 discussions between Plaintiffs and Defendant Wong in the instant case.

The parties therefore submit that the February 28, 2025 settlement conference in this case be continued for a period of at least one-hundred twenty days (120) days after February 28, 2025 to allow for the hearings in the Northern District of California Case to take place, and for judgment debtor proceedings to occur thereafter against Defendant Infante. The parties also submit that the current discovery stay should also be extended until seven (7) days after the conclusion of the continued settlement conference, except that the exception to the stay for Frank DeJoy's deposition is no longer necessary as Plaintiffs have now taken his deposition.

### III. REQUEST FOR FORMAL ORDER APPROVING STIPULATION.

Based on the foregoing, the parties respectfully request the Court to enter a formal order: (1) continuing the February 28, 2025 settlement conference for a period of at least one-hundred twenty (120) days; and (2) extending the current stay of discovery until seven (7) days after the date of the continued settlement conference.

DATED this 14th day of February, 2025.

HUTCHISON & STEFFEN, PLLC

HOWARD & HOWARD ATTORNEYS, PLLC

/s/Stewart C. Fitts

/s/L. Christopher Rose

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*FLP*

The settlement conference is CONTINUED to July 2, 2025. The discovery stay will be lifted on July 9, 2025. The Court will not grant further extensions absent extraordinary circumstances. IT IS SO ORDERED.

DATED: 2/18/2025



UNITED STATES MAGISTRATE JUDGE